

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

RUBEN J. ESCANO,

Plaintiff,

v.

Civ. No. 2:22-360 DHU/GJF

RCI, LLC, *et al.*,

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO FILE UNDER SEAL**

THIS MATTER is before the Court on Defendants' Motion to File Under Seal ("Motion"), filed on October 27, 2023. ECF 163. Pursuant to Local Rule 7.4(a), Plaintiff had fourteen (14) days by which to file his response to the Motion.

Rule 6 of the Federal Rules of Civil Procedure provides:

**(a) Computing Time.** The following rules apply in computing any time period specified in these rules, in any local rule or court order, or in any statute that does not specify a method of computing time.

**(1) *Period Stated in Days or a Longer Unit.*** When the period is stated in days or a longer unit of time:

**(A)** exclude the day of the event that triggers the period;

**(B)** count every day, including intermediate Saturdays, Sundays, and legal holidays; and

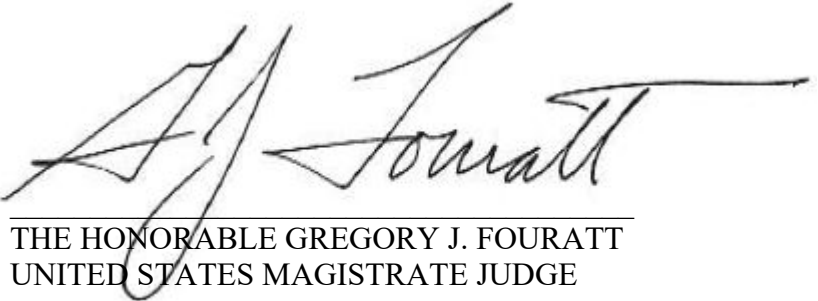
**(C)** include the last day of the period, but if the last day is a Saturday, Sunday, or legal holiday, the period continues to run until the end of the next day that is not a Saturday, Sunday, or legal holiday.

Fed. R. Civ. P. 6(a). Thus, Plaintiff's fourteen-day response time expired on Monday, November 13, 2023.

Plaintiff filed no response by that deadline. And, under Local Rule of Civil Procedure 7.1(b), "[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion." D.N.M.LR-Civ. 7.1(b). Thus, Plaintiff is deemed to have consented to the granting of the Motion.

**IT IS THEREFORE ORDERED** that Defendants' Motion to File Under Seal [ECF 163]  
is GRANTED.

**SO ORDERED.**



THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE